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8 *Attorneys for Defendant*
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13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN JOSE DIVISION**

16 JAMES K. SONG, JR., FAIRCAPX, INC.,
17 MITHRANDIR INC., FAIRCAP PARTNERS,
18 LLC, and FAIRCAP ANGELS, INC.,

19 Plaintiffs

20 vs.

21 AARON DRENBURG,

22 Defendants.

) Case No. 5:18-CV-06283-LHK (VKD)

)

) **[Proposed]**

) **ORDER GRANTING DEFENDANT**

) **DRENBURG'S MOTION FOR AN**

) **ORDER OF CONTEMPT AND FOR**

) **SANCTIONS AGAINST UBS**

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)

) Date: January 7, 2020

) Time: 10:00 a.m.

) Courtroom: 2

)

) The Honorable Magistrate Judge

) Virginia K. DeMarchi

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23 Defendant AARON DRENBURG's Motion for an Order of Contempt and for Sanctions,
24 came on regularly for hearing at 10:00 a.m. on January 7, 2020, in the above-entitled Court before
25 the Honorable Virginia K. DeMarchi, United States District Court Magistrate Judge. Mark L.
26 Pettinari appeared on behalf of the moving party, Defendant AARON DRENBURG. Adam Engel
27 appeared on behalf of Plaintiffs. UBS Asset Management (Americas) Inc. (hereafter "UBS")

1 appeared on behalf of its counsel. After full consideration of the moving papers and evidence
2 presented therewith, hearing the arguments of counsel, and finding good cause,

3 NOW THEREFORE,

4 **IT IS HEREBY ORDERED** that Defendant Drenberg's Motion for an Order of Contempt
5 is granted in its entirety. UBS is hereby found in contempt of this Court for his failure to comply
6 with the properly served Subpoena to Testify at a Deposition in a Civil Action, dated September
7 23, 2019. UBS shall pay Mr. Drenberg's reasonable attorneys' fees and costs incurred in bringing
8 this motion. In addition, UBS shall pay Mr. Drenberg's reasonable attorneys' fees and costs
9 incurred in preparing for and attending the deposition pursuant to the Subpoena. UBS shall also
10 reimburse Mr. Drenberg for the witness fee of \$40 that was paid to UBS upon service of the
11 subpoena.

12 Mr. Drenberg may file a declaration or other evidence supporting the amount of attorneys'
13 fees and costs for which he seeks to recover from UBS pursuant to this Order on or before
14 _____. UBS may submit a response within seven calendar days of
15 Mr. Drenberg's submission. Alternatively, Mr. Drenberg and UBS may stipulate to the amount of
16 attorneys' fees and costs and so advise the Court.

17 **IT IS SO ORDERED,**

18
19 Dated: _____.

By: _____
Virginia K. DeMarchi
United States District Court Magistrate Judge